

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

* * * * *

MATT RUNNINGSHIELD, AKA

ROYAL ROCKEFELLER,

PLAINTIFF,

VS.

3RD AMENDED COMPLAINT
JULY TRIAL DEMANDED

JOAN FABIAN, COMMISSIONER OF CORR.;

TERRY CARISON, ASST. COMM.; WARDEN JESSICA

SYMMES-BENSON; ASST. WARDEN KENT GRAWLIENARD;

PROGRAM DIRECTOR LUCIE STEVENSON; MIKE GREEN, DISCIPLINE

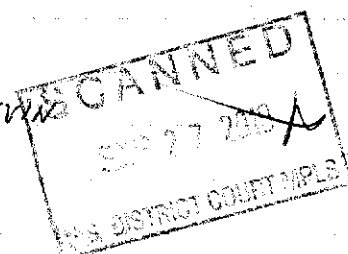
UNIT; VINCE KRENZ, OSI; JEFF DANSKY, OSI; L.T. KEVIN

SCOTT MONIO; SGT. JEFF BLY; C.O. JASON SMITH and

C.O. JAMES LANGE,

DEFENDANT'S.

CIV. NO. 10'800{JNE-LIB}



* * * * *

PRELIMINARY STATEMENT

This is a civil rights action filed by Matt Runningshield, AKA Royal Rockefeller, for damages and injunctive relief under 42 U.S.C. § 1983, alleging Attempted Assault, illegally opening incoming and outgoing legal mail outside of the presence of the inmate, unreasonable strip/body searches and other claims stated in the complaint as joinder claims, due to it relates back to the initial filed complaint. All in violation of the Eighth and Fourteenth Amendment to the constitution, and an unlawful conviction in a due process hearing in violation of the 5th and due process clause of the Fourteenth Amendment to the U.S. - constitution, and denial of access to legal

works, so that the plaintiff could file meaningful papers and have access to the court in violation of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution, and also denial of access to legal work when Defendant came into plaintiff's cell and took all of the plaintiff's legal work, in result, the plaintiff missed a deadline and still continue to take and deny plaintiff access to his legal work, in retaliation against the plaintiff.

Also, plaintiff alleges that the defendant destroyed evidence that they were under legal obligation to preserve, and defendant's acted in bad faith for failure to preserve potentially useful evidence violates the due process clause of the Fourteenth Amendment to the U.S. Constitution.

The plaintiff also alleges the tort's of Attempted Assault and battery and negligence, along with all other claims stated within.

Jurisdiction

1. This court has jurisdiction over the Plaintiff's claim's pursuant to 28 U.S.C. § 1331, and pursuant to 28 U.S.C. § 1343 (a) (3) and (a) (4). This court has supplemental jurisdiction of the Minnesota state law claims pursuant to 28 U.S.C. § 1367.

VENUE

2. Venue in this court is proper pursuant to

28 U.S.C. § 1391 (a)(2) and (b)(2) because giving rise to the claim's occurred within this district. The Court may also consider 28 U.S.C. § 1402(b) and 28 U.S.C. § 1404 (a)

PARTIES

3. The plaintiff Matt Runningshield aka Royal Rockefeller was incarcerated at McF. Oak Park Heights during the events described in this complaint.
4. Defendant's, Joan Fabian, COMM. of CORR.; Terry Carlson, ASST. COMM.; Warden Jessica Shammes Benson; ASST. Warden Kent Grandlienard; Prog. Dir. Lacie Stevenson; Vince Krenz, OSI; Jeff Dansky, OSI. Are all employed at McF. Oak Park Heights. They are Sued in their individual and official capacities.
5. Defendant's, Mike Green, Discipline Unit; L.T. Kevin Scott Monio; SGT. Jeff Bly; C.O. Jason Smith and C.O. James Lange. Are Sued in their individual capacities, and are employed at McF. Oak Park Heights.
6. Defendants, Fabian, Carlson, Shammes Benson, Grandlienard, Stevenson, Krenz and Dansky, are all in charge of the supervision and discipline of all correctional staff as well as investigation. All are Sued in their individual and official capacities.
7. Defendant Green, is the discipline unit and ~~is~~ is in charge and responsible for conducting disciplinary hearings for offender's accused of breaking and violating prison rules. He is Sued

in his individual capacity.

8. Defendant, Jessica Symmes Benson, is the Warden of Mcf. Oak Park Heights and is responsible for ~~administering~~ reviewing all administrative appeals of disciplinary charge's filed by Mcf. Oak Park Heights offenders. She is sued in her individual and official capacities.
9. Defendant's, Krenz and Dansky are Office of special investigation and ~~are~~ in charge of investigating staff misconduct at Mcf. Oak Park Heights. They are sued in their individual and official capacities.
10. Defendant, Carlson, is a ASST. COMM. of the MN. Dept. of Corr. and is responsible for reviewing MN. DOC offenders appeal grievances, filed by MN. DOC offenders. She is sued in her individual and official capacities.
11. Defendant Green, is also the Mail room Supervisor and is responsible for All of offenders incoming and outgoing personal and legal mail of Mcf. Oak Park Heights. He is sued in his individual capacity, and official capacity.
12. At all relevant times, all Defendants acted and continue to act, under the color of State law, and within the scope of their employment to this complaint.

EXHAUSTION

13. The plaintiff has exhausted such administrative remedies to all claims in the complaint, as were available to him.
The hearing appeal's, informal and formal Grievances and official reply's were filed with the original complaint.
13. The Plaintiff has filed a previous lawsuit Civ. File. NO. 08'133 {SMR-REE}
14. The out come of the suit, was both parties settled out of court, without court judgement.

STATEMENT OF FACTS

15. on January, 21st, 2010, received his canteen and the plaintiff ordered OTC medication, in order to receive the OTC meds, plaintiff first has to be strip/body searched and his cell shaken down.
16. During this search by 3rd watch Sgt. Bluh and C.O. Jason Smith, defendants were in the plaintiff cell a long time, later on that same evening the plaintiff discovered that his toothbrush had been damaged, the brush was flat with dirt and lint in the brush and appeared to have been scrubbed on the floor hard.
17. At about 11:00 p.m. that same evening, the plaintiff discovered that his hygiene products had been tampered with, his shampoo's were

discolored and lotion bottle's were watered.

18. When Bluh, Smith and Lange came by to do lock check's, Lange started laughing and Bluh stated "What, why you laughing" and Bluh and Smith started laughing too.
19. That night the plaintiff wrote a letter about what occurred and the next day asked to see MNU Staff Jeff Erickson, he was not in so, MNU Staff Tammy Lisowich came to see the plaintiff, I explained why I wanted to see her and showed her the letter that I wrote. Then she tried to turn it around on me, I asked her to report it to OSI, she said no, but she'll put the letter in the mailbox to OSI, I told her no, that I wanted the letter back due to that I did not trust her because she's an ex-correctional officer and her husband is Sgt. R. Lisowich of 2nd watch in ACU. She stated o.k., but it's your last chance, then I'm gone, I told her to please leave.
20. As Tammy Lisowich left my cell, a C.O. was hiding around the corner by the name of C.O. Kerschetter, he asked her as she walked away from my cell, "so what did he want?" she stated, he wanted me to give a letter to OSI but I wouldn't do it.
21. As they left a few minutes later, L.T. Morio came to my cell to talk to me, I let him

read the letter and he took it and said he has to go talk to some people, I showed him my toothbrush and hygiene products and he said well, I can't do nothing about your hygiene stuff, but I can get you a new toothbrush, he left and C.O. Kerschner came to exchange my toothbrush, he did not preserve it as evidence, he threw it away.

22. On January 21st, 2010 The plaintiff wrote a letter to Marsha Eldot Devine, M.D., ASST. ATT. Gen. stating that the plaintiff would like a independant investigation done by Deb Wienard Deputy Director of Office of Special Investigations at DOC Central office, the plaintiff also sent ASST. ATT. Gen. Marsha Eldot Devine personal document's for her to copy that she, to date, has NOT returned to the plaintiff. The plaintiff did NOT receive a response back from the ASST. ATT. Gen. either in regards to the issue of the claim.

23. On 1-25-2010, Jeff Ericson of MDU came to my cell to see me and the plaintiff showed him the discolored hygiene products and water lotion bottle's and told him what time I found them, at 11p.m., he said how did you find out the time, I said, I got a flu shot that day too, and said to the C.O. in the bubble, that I was having chestpain's and I was supposed to document the exact time of any side effect's, so the C.O. told me what time it was, otherwise the C.O. wouldn't

of told me what time it was, Jeff Erickson laughed and said, "That's pretty clever".

24. On 1.25.2010, Defendant's Krenz and Dansky came to speak with the plaintiff, Dansky stated that he would not be investigating, that he was leaving it up to L.T. Monio.
25. Plaintiff stated to Dansky, so you're willing to accept responsibility, reliability and culpability for all this?, Dansky stated, yeah and that's coming from the horse's mouth, the plaintiff stated, who's the horse's mouth?, Dansky replied "me" and both Dansky and Krenz walked away, before they did the plaintiff also told Dansky about Doc Policy 107.005 f OSI, Criminal Investigation's which Dansky ignored.
26. During these events the plaintiff did resist or threaten the C.O.'s or staff in any fashion or break any prison rules.
27. Defendant's Bluh, Smith, Lange, Monio have repeatedly engaged in excessive force against offenders in the past, and have had numerous Grievance's filed on their conduct, and also written fabricated reports on offenders in the past, and even got offenders new street charges, See: STATE VS. SWEENEY, 82-CR-5096
28. Defendant's, Stevenson, Grandlienard and Summers-Benson have been placed on notice of the abusive conduct of

defendants, Bluh, Smith and Lange by a number of informal and formal Grievance's over many months, but has failed to take disciplinary action against them or otherwise to control their conduct.

Denial of Due Process

29. On 1/29/2010, plaintiff was given a report by — Defendant Green, and Plaintiff was charged with rule violation # 240 Lying and misrepresenting, defendant Green offered the plaintiff a concurrent Segregation Sentence, which the plaintiff refused, Mike Green also stated to plaintiff, "Nothing happen, you're guilty take the deal", the plaintiff still refused.
30. The plaintiff tried to show defendant Green his tampered hygiene products and Green refused to look at them, nor did Green gather them and test them as evidence.
31. The plaintiff wrote the defendant Green numerous letters requesting that the plaintiff review the video tape to prepare for his hearing, to gather evidence, and to withdraw the report due to the report being inaccurate and fabricated, defendant Green denied all request's.
31. On 2/2/2010 the plaintiff received a ~~minutes~~ disciplinary hearing before defendant Green.
32. At the hearing, the plaintiff told his side of the event's

and that the report that defendant Monio had written was inaccurate and fabricated and was not what the plaintiff stated in his letter.

33. At the conclusion of the hearing, the hearing officer Mike Green convicted the plaintiff of the inaccurate fabricated report, stating that regardless of the inaccuracies, Green still found a preponderance of evidence to find the plaintiff guilty of the charge #240 Lying and Misrepresentation and ~~imposed~~ imposed a sentence of 21 days LOP.
34. Pursuant to offender discipline regulation of the Min. DOC. Rule # 240. Lying and Misrepresentation
 {A} no offender shall knowingly make a false written or oral statement to a staff member which directly affects the safety, security, or order of the facility. No offender shall knowingly falsify or alter a report, make a false written or oral statement in order to mislead another, misrepresent a fact, or misappropriate something.
 {B.} no offender shall knowingly make a false written or oral statement about a staff member. If an offender makes a complaint that is protected under state or federal law about a staff member the facility must possess evidence corroborating the staff member's report in order to charge the offender under this rule.
35. The hearing officer and defendant Green, did not abide by this regulation, the mandatory language which also violated the plaintiff's protected liberty interests.

protected liberty interests / mandatory language

36. mandatory language in state, federal statute, regulation, policy and directive's according to "substantive predicates" and "substantive limitations" on official discretion, under certain specified circumstances, officials must do something or must refrain from doing it, it creates a liberty or property interest.

The defendant's capacities in individual or official, does not give the defendant's watershed powers to change state statute or regulation's on the whimsical due to the fact that they are not "LAW MAKER'S or Policy Maker's" and must comply with all laws of the United States and of any state and local jurisdiction.

Word's like "Shall, will, must and may" can be sufficiently mandatory to create a liberty interest.

37. Pursuant to prison procedure, the plaintiff filed an administrative appeal with defendant Sumner Benson, pointing out that he was convicted of an inaccurate report, rule # 240 was not followed, evidence was not gathered nor tested that would lead to a true finding factor of guilt and preponderance of the evidence, therefore there was lack of evidence supporting the charge and conviction of rule # 240.

38. Defendant Sumner Benson denied the plaintiff's appeal.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

42 U.S.C. § 1983 AGAINST DEFENDANTS, BLUH, SMITH,

AND LANGE.

39. Defendants Bly, Smith and Lange engaged in a deliberate and outrageous act of Attempted Assault, and defendant Lange knew about the outrageous act, but did nothing to intervene nor stop or report or prevent the outrageous act, but rather conspired to cover up such act's that shock's the conscience in violation of the plaintiff's rights under the Eighth and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C. § 1983.
40. Defendants Bly, Smith and Lange misused and abused the official power granted to them by the state in the performance of their official duties thereby causing the harm to the plaintiff.
41. Defendants Bly, Smith and Lange engaged in conduct with Malice, reckless, callous or sadistic indifference to the constitutional and statutory rights of the plaintiff.

Second Claim for Relief

42 U.S.C. § 1983 against Defendant Mario

42. Defendant Mario engaged in a deliberate and outrageous act of conspiracy to cover up the Attempted Assault during his investigation of the incident, which he did not investigate until a week later to review the video tape of the camera that's in the plaintiff's cell, the defendant also engaged in conduct that shock's the conscience in violation of the plaintiff's rights under the Fourteenth

Amendment to the U.S. Constitution when Mario wrote an inaccurate and fabricated report charging the plaintiff with rule violation # 240. Lying and Misrepresenting. Also, in violation of 42 U.S.C. § 1983.

43. Defendant Mario misused and abused the official power granted to him by the state in the performance of his duties thereby causing the harm to the plaintiff.
44. Defendant Mario engaged in conduct with malice, reckless, callous or sadistic indifference to the constitutional and statutory rights of the plaintiff.

3RD Claim for Relief

42 U.S.C. § 1983 against Defendants, DANSKIH, KRENZ, Stevenson, Grandliemard, Symmes Benson, Carlson Fabian.

45. Defendants, Danskigh, Krenz, Stevenson, Grandliemard, Symmes Benson, Carlson and Fabian knew that they had a legal obligation to protect the plaintiff from attempted assault, cruel and unusual punishment and Denial of Due process and knew that their actions and omissions created a substantial risk of serious injury to the plaintiff, with deliberate indifference to the plaintiff's personal safety and U.S. constitutional rights, Defendants failed to protect him from substantial risk of serious harm in violation of his rights under the Eighth and Fourteenth Amendments to the U.S. Constitution and

42 U.S.C. § 1983.

46. The deprivations of the plaintiff's rights described herein constitute a risk of harm so grave that it violated contemporary standards of decency.

~~FOURTH~~ FOURTH CLAIM FOR RELIEF

42 U.S.C. § 1983 against Defendant Green and ~~Summers~~ Benson.

47. The defendant Green refusing to gather evidence, test the tampered hygiene products, and finding the plaintiff guilty of a inaccurate and fabricated report with no evidence to support other than a inaccurate report written by defendant Monica with no fact finder, the defendant's findings of guilty with a preponderance of evidence, was an inadequate findings, with no true fact finder to support, constituted a deliberate indifference and further denied the plaintiff the due process of law in violation of the Fourteenth Amendment to the U.S. constitution.
48. The actions of defendant Summers Benson in refusing to overturn the plaintiff's disciplinary conviction, despite her knowledge of the above described due process violations, constituted deliberate indifference and further denied the plaintiff the due process of law in violation of the Fourteenth Amendment to the U.S. constitution.

Fifth claim for relief
 Outrageous conduct / Intentional Infliction of Emotional Distress Against Bluh and Smith.

49. Defendants Bly and Smith, acting within the scope of ~~that~~ agency, recklessly and with the intention of causing the plaintiff severe emotional distress, engaged in extreme and outrageous conduct by Attempting to Assault and harrassing the plaintiff and by promoting a threatening and unduly hostile and antagonistic environment.
50. AS A direct and proximate result of Defendants acts, which were so outrageous in character and extreme in degree as to be utterly intolerable in a civilized community, the plaintiff suffered severe emotional distress and was injured and damaged thereby.
51. Defendants Bly and Smith engaged in conduct with malice and reckless or callous and sadistic indifference to the rights of the plaintiff.
52. The action's of defendant's Bly, Smith and Lange in the act of "a unknown substance or chemical, without need or provocation, or in failing to intervene to prevent the misuse of force constituted tort of Attempted Assault and battery under the tort laws of Minn. Stat. § 3.736, Subd. 6 (July 1, 2009)
53. The failure of Defendants, Danskih; Krenz; Stevenson; Grandlienard; Symmes; Benson; Carlson; Fabian to take disciplinary or other action to curb the known pattern of physical abuse, harrassment of inmate's by defendant's Bly, Smith, Lange, Monio and Green constituted deliberate indifference, and contributed to and proximately caused the above described violation of Eighth AND Fourteenth

Amendment rights and Attempted Assault and battery.

SIXTH CLAIM FOR RELIEF

UNLAWFUL Strip/Body Search against defendant's Bluh and Smith AND Manic

54. Defendant's Bluh and Smith unreasonably but willfully strip/body searching the plaintiff on 11/21/2010 on the evening of 3rd watch without the plaintiff's consent.
55. As a direct and proximate result of the actions of Defendants Bluh and Smith, the plaintiff was injured and suffered damages.
56. Defendant's Bluh and Smith engaged in conduct with malice and reckless or callous and sadistic indifference to the rights of the plaintiff.
57. The plaintiff, though incarcerated, still retains a expectation of privacy on "his person", therefore, strip/body searches must be reasonable and not unreasonable.
58. Strip/body searches are only reserved for the highest security measure's, such as after visits, entering the institution and segregation. Strip/body searches not related to legitimate security needs or are designed to harass are unconstitutional under the 4th and 8th Amendments.
59. Defendant Manic, on 7/15/2009 was the author

of a memo. stating that OTC Med.'s will not be given out on 1ST watch, it did not state anything about being strip searched before receiving OTC Med.'s., it is unwritten policy that offender's must be strip searched.

60. Causation may include higher level Supervisor's who make policies or practices and lower level staff can be held ~~liable~~ liable for acquiescing in dangerous practice's, and Supervisor's can be held liable for originating them.

SEVENTH CLAIM FOR RELIEF

61. Since the filing ~~of~~ of the complaint, the plaintiff has discovered that the defendant's destroyed the video tape used as evidence to convict the plaintiff in the plaintiff's disciplinary hearing that the defendant's were under legal obligation to preserve as evidence, the defendant's acted in bad faith for failure to preserve potentially useful evidence violates the due process clause of the Fourteenth Amendment to the constitution.
62. Defendant's have a history of destroying evidence, such as video tape's, see: State v. Sweeney, 82' CR 5096.
63. Since the filing of the original complaint, the plaintiff has discovered that the defendant's Answer to the plaintiff's original complaint, the defendant's have misled, perjured and impeached themselves

to the court, in Paragraph # 8, stating, "Defendants admit only to the extent that plaintiff filed a prior lawsuit in which he was paid a settlement, Defendants continue to deny the factual allegations of the prior lawsuit and have not and do not admit liability related to Plaintiff's Prior lawsuit."

64. In a memo. dated April 21, 2009 from Warden John King of McF. Stillwater states "I believe the system has run it's course and the investigation was conducted thoroughly with appropriate actions taken".

65. Action's were taken on the last defendant's and Warden John King was also a defendant too, in the body of the memo. admits to liability.

66. The truthfulness of the allegations in the Defendants answer, is that that the defendants counsel Jackson Evans filed it with the court, and also, served a copy upon the plaintiff on March, 10, 2010 stating that he was the ~~an~~ counsel for the defendant's, The Certificate of Service and Notice of Electronic filing. All mailed on July, 7th 2010 to the plaintiff.

EIGHTH CLAIM FOR RELIEF

42 U.S.C. § 1983 claim against Defendant Summes, Benson — and Carlson.

67. Defendant's Summes, Benson and Carlson both denied plaintiff's informal, formal and appeal

grievances to access his legal work that he was being denied to, See: Appointment of Counsel Doc. 9, Filed 4/19/2010

68. Regulations and practices that unjustifiably obstruct the availability of professional representation or other aspects of the right of access to the courts are invalid.
69. Prisoners have a constitutional right of access to the courts, under the the due process clause, the Equal Protection clause, the 1st Amendment and the privileges and immunities clause of Article 4 of the constitution as the bases for the right.
70. Defendant's Summes Benson and Carlson acting in the color of state law, and within their scope of their duties, violated the plaintiff's U.S. constitutional rights and 42 U.S.C. § 1983.
71. Defendant's Summes Benson and Carlson misused and abused the official power granted to them by the state in the performance of their duties thereby causing the harm to the plaintiff.
72. Defendants Summes Benson and Carlson engaged in conduct with Malice and reckless or callous and Sadistic indifference to the constitutional and Statutory rights of the plaintiff.
73. Defendants Summes Benson and Carlson knew that they had a legal obligation to protect the plaintiff

from Due Process violations, and knew that their actions and omissions created a substantial risk of serious injury to the plaintiff. With deliberate indifference to the plaintiff's rights, Defendants failed to protect him from harm or substantial risks under the First, Fourteenth, Equal Protection and the privileges and immunities clauses of Article I of the U.S. Constitution, and 42 U.S.C. § 1983.

74. The deprivations of the plaintiff's rights described herein constitute a risk of harm so grave that it violated contemporary standards of decency.

~~WHEREFORE, Plaintiff requests the following relief from this court:~~

RELIEF REQUESTED

WHEREFORE, Plaintiff requests the following relief from this court:

- A. Issue a declaratory judgment stating that:
 1. The ATTEMPTED assault by defendants Bly and Smith violated the plaintiff's rights under the Eighth and Fourteenth Amendments to the U.S. Constitution and Attempted assault and battery under state law;
 2. Defendants, Stevenson, Manio, Krenz, Banstuh, Grandlienard, Sumner Benson, Carlson and Fabian's failure to take action to curb the physical abuse and harassment of prisoners violated the plaintiff's rights under the 8th AND 14th Amendment to the U.S. Constitution and constituted an Attempted assault and battery under state law.

B. Issue an injunction to order defendants Fabian, and Summers, Benson et al. to:

1. Immediately arrange for the plaintiff's hygiene and lotion products to be tested by a lab chemist who is an independent lab testing technician of chemicals.

2. Carry out without delay the testing such lab technician.

3. Stop unlawful, unreasonable body/strip searches for "OTC Med's".

D. Award compensation damages in the following amounts:

1. \$400,000⁰⁰ against defendant Bluh for the physical and emotional injuries sustained as a result of the attempted assault against the plaintiff.

2. \$400,000⁰⁰ against defendant Smith for the physical and emotional injuries sustained as a result of the attempted assault against the plaintiff.

3. \$1,500,000⁰⁰ jointly and severally against all defendants, FABIAN, CARLSON, SUMMERS-BENSON, Grandienard, Stevenson, Green, Krenz, DANSKY, Morio, Bluh, Smith and LANGE, for all claims arising out of this 3RD Amended Complaint.

E. Award punitive damages in the following amounts:

1. \$50,000⁰⁰ against both defendants Bluh and Smith.

2. \$35,000⁰⁰ against defendant Lange.

3. \$25,000⁰⁰ against defendants Summes, Benson and Green.
4. The plaintiff requests his filing fee be reimbursed and All costs incurred in this civil action.
- F. Grant such further relief as the court may deem just and proper.

DEMAND FOR JURY TRIAL

plaintiff requests a trial by jury on all issues triable by a jury.

DATE: 9.20.2010

Matt Runningshield
M. R. S. #1R/1A
Rohal Rockefeller
R/R

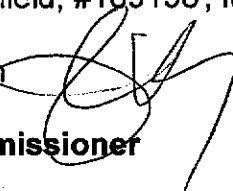
Matt Runningshield #89198
5329 Osgood Ave. N.
Stillwater, MN. 55082-4117



Minnesota Correctional Facility – Stillwater
MEMORANDUM

DATE: April 21, 2009

TO : Matthew Runningshield, #189198, MCF-RC

FROM: John King - Warden 

SUBJ: **Letter to the Commissioner**

I was asked to respond for the Commissioner from your letter dated March 30, 2009. The issue that you are addressing is from August 2007. There has been an investigation completed on this matter as well as a settlement with you and the State of Minnesota. We will not reopen an investigation on this matter, nor will we make any adjustments to your discipline record with regard to the incident. I believe the system has run it's course and the investigation was conducted thoroughly with appropriate actions taken. To my knowledge there was nothing stated in the settlement to indicate that any further action needed to be taken by the facility.

Your request for any change to the discipline record or reinstatement of Extended Incarceration is denied. You were advised of that through the discipline process up to and including an appeal.

As to the matter of a transfer, it appears you are working through that process with the appropriate staff at the facility. It would not be my intent to get involved in your transfer request from your current facility, MCF-Rush City to MCF-Oak Park Heights. That request would be handled between those two facilities.

JK:mt

c: David Crist, Assistant Commissioner-Facilities Division
file

Minnesota Department of Corrections

OFFENDER KITE FORM

7/26/10 OF 2

Offenders are encouraged to communicate with staff at all levels, but it is expected that the chain of command will be used. Your kite should be directed to the staff who can best answer your question. If you send a kite requiring an answer to the wrong staff, it will be returned to you. Kites are to be used for offender to staff correspondence only. If your kite is not specific, it will be returned for additional information. If you want your kite reviewed further up the chain of command, you must attach all previous kites to show the previous responses.

To: Lacie Stevenson / P.D. Date: 7.23.2010
 From: M. Runningshield 153 OID: 189198
 Facility/Unit ACU Room/Cell 138 Casemanager _____

Other staff you have contacted regarding this issue and the outcome/decision (attach responses):

Informal Grievance:

Issue: Per your memo dated 7/22/2010, and first off, you did not follow DOC Policy Directive 303.101, kites/communication and respond within 5 working days, which is which I went over your head, up the chain of command, your response is over a month later, regardless of the issue you are directed to respond within 5 working days just like everybody else per DOC policy 303.101. And as far as your claim of the tool for harassment, this memo that was SUPPOSEDLY issued on 3.7.08 by L.T. Kevin Monio, he wasn't even the L.T. then, Hanson was, and how are offender's or ME I should say misusing the bedding when I am using it for it's "intended purpose" TO SLEEP, and it's on my mattress, not on the floor, hanging up or anywhere else, L.T. Monio DID NOT

Response from: Lacie Stevenson, Program Director Date: 8/2/10

Mr. Runningshield the policy says that "Whenever possible, staff will respond within five working days from receipt of the kite. Sometimes the issue we are trying to address may take more than 5 days to gather enough information to give you the most informed response possible. At any rate, in this matter you are being exercised completely covered. Whether you are satisfied or not, this has been addressed. I see no reason to speak to the matter any further.

[Signature]

P. G. 2 of 2 7.23.2010
 Informal Grievance to ACU Stevenson

issue me this Memo in my last Grievance, and it's the original Memo. Signed with his ink still on the page.

This Memo WAS NOT issued on 3.7.08, to be enforced 24 hrs. a day? Movement on each security round? So when am I supposed to sleep? and to take the bedding away for 24 hrs.? Can you conceptualize of how insane that is? that state's a 8th Amendment claim right there, and now you have these cellieport doors open at night, the C.O.'s on 1st watch come in and wake people up, pretend to cough, turn their radio's up, talk on the intercom's to each other, stomp their feet, is this why the door's are open now? there's no proper ventilation back here, they turn the air in the cell's way down or have it turned way down, so offender's can't breathe, don't you know you guys will kill somebody

playing around like that? people who have poor health or weak heart's or the spatorch problem's such as asthma ect. I was one of the 1st people they put in this unit when it first opened up FEB. 4th 2003, if the 1st first, and did 39 months back here, NEVER Did they play with the vent's like this, you guys sit up there and try to come up with ways to make an hostile ~~and hostile~~ antagonistic environment, and when you guys do manage to kill someone, I've got it all recorded, the FBI's already been through here once.

You've got a legal obligation, one where acts of omission are the same as COMMISSION and are actionable just the same, these C.O.'s Nuehring and then back here all trying to retaliate, I hope you and you have them? familiar yourself's with Doc Policies, 202.055, 103.220, 103.228, 103.225, 107.100 AS Well, if you're so concerned with "My Safety and Well being," that's part of it.

The conduct of the ACU staff and LIT. go unchecked, you are liable as well.

M. R. S. f

As you stated, this has been an issue fully Grieved and exhausted and now in FED. COURT'S. THAT'S WHAT YOU DIDN'T WANT